IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 21ST MARCH, 2007 / 30TH PHALGUNA, 1928

WP(C).No. 3658 of 2007(I)

PETITIONERS:

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1. P.J.JOHN, S/O.JOSEPH,
   RESIDING AT PONNAMBAYIL HOUSE,
   POST KOODARANHI, KOZHIKODE DISTRICT.

2. P.J.SHAJI @ MATHEW,
   RESIDING DO.

3. P.J.THOMAS, RESIDING - DO-.

4. P.J.AUGUSTY, DO.,

5. P.J.JAISA @ ANNA - DO-.

6. P.J.ROCKEY, RESIDING - DO-.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

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1. KOZHIKODE PRIMARY CO-OPERATIVE
   AGRICULTURAL & RURAL DEVELOPMENT BANK REP.
   BY ITS SECRETARY, (POST) PUTHIYARA, KOZHIKODE.

2. THE SENIOR INSPECTOR/SPECIAL SALE
   OFFICER, KOZHIKODE PRIMARY CO-OPERATIVE
   AGRICULTURAL & RURAL DEVELOPMENT BANK,
   POST PUTHIYARA, KOZHIKODE.

BY ADV. SRI.THOMAS ANTONY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.3658 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the sale notification in respect of the 1st petitioner issued by R2 dtd. 9.1.2007.

Ext.P2: Copy of the sale notification in respect of the 2nd petitioner issued by R2 dtd.9.1.2007.

Ext.P3: Copy of the sale notification in respect of the 3rd petitioner issued by R2 dtd.9.1.2007.

Ext.P4: Copy of the sale notification in respect of the 4th petitioner issued by R2 dtd.9.1.2007.

Ext.P4(A): Copy of the sale notification in respect of the 4th petitioner issued by R2 dtd.9.1.2007.

Ext.P5: Copy of the sale notification in respect of the 5th petitioner issued by R2 dtd.9.1.2007.

Ext.P6: Copy of the sale notification in respect of the 6th petitioner issued by R2 dtd.9.2.3007.

Ext.P7: Copy of the Judgment of this Court in W.P.(C) No.7255/06 dtd.24.8.06.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 3658 OF 2007 - I

Dated this the 21st day of March, 2007

J U D G M E N T

The petitioners challenge coercive action for recovery of the amounts due as repayment of loan amounts taken by them from the first respondent-Bank. The petitioners had earlier approached this Court by filing two writ petitions in which they obtained orders of stay on condition of payment of part of the amounts due. But, they did not pay the same. They have again come up with this writ petition with the same prayers as in the earlier writ petition. In spite of the above fact, the learned Judge of this Court was indulgent enough to grant an interim stay to the petitioners for two months on condition that they pay an amount of Rs.10 lakhs within 45 days from the date of the order. The petitioners have not paid that amount.

2. In the above circumstances, I do not see any bonafides on the part of the petitioners in filing this writ petition. Their intention appears to be only to protract the

recovery by filing repeated writ petitions and obtaining conditional orders of stay, without complying with the conditions of the stay orders.

3. In the above circumstances, the petitioners are not entitled to any further indulgence of this Court and accordingly, the writ petition is dismissed with costs of Rs.5000/- to the first respondent.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007